

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

AMY HILTNER,

Plaintiff,

vs.

AUTO-OWNERS INSURANCE

Company,

Defendant.

Civil No. _____

SUMMONS

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Plaintiff's attorney an Answer to the Complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated: January 26, 2012.

MILLER, NORMAN & ASSOCIATES, LTD.

By: 

Keith L. Miller, ID No. 03959

403 Center Avenue, Suite 201

P.O. Box 1066

Moorhead, MN 56560

(218) 233-2495

ATTORNEYS FOR PLAINTIFF

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

AMY HILTNER,)	Civil No. _____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
AUTO-OWNERS INSURANCE)	
Company,)	
Defendant.)	
_____)	

Plaintiff, for her Complaint against the Defendant, alleges as follows:

1. At all pertinent times, Plaintiff was/is a resident of North Dakota.
2. In May, 2010, Plaintiff was an insured under an automobile policy, including underinsured motorist coverage, owned by her father, Daryl R. Hiltner, issued by Defendant bearing No. 95-675-680-00.
3. On May 8, 2010, Plaintiff was injured while she was a passenger on a vehicle being driven by Samantha J. Denault on 5th Avenue NE in Mayville, North Dakota.
4. Denault was negligent in the operation or use of her motor vehicle in making an abrupt turn at an unsafe speed.
5. As a result of Denault's negligence, Plaintiff was thrown from the vehicle, struck her head on the roadway, and suffered a traumatic brain injury and other less severe injuries.
6. Denault's negligence directly and proximately caused the injuries to Plaintiff.
7. As a direct and proximate result of Denault's negligence, Plaintiff suffered damages in a reasonable amount in excess of Fifty Thousand Dollars (\$50,000.00).
8. Denault was insured by Dairyland Insurance Company, with liability limits of \$25,000.

9. On or about May 16, 2011, Plaintiff settled with Dairyland Insurance Company for \$25,000, exhausting Denault's policy limits.

10. The total damages suffered by Plaintiff, greatly exceed the \$25,000 received from Denault's insurer.

11. By reason of the foregoing, together with the provisions of N.D.C.C. §26.1-40-15.3, and the underinsured motorist coverage afforded her thereby, Plaintiff is entitled to recover from the Defendant all damages she has sustained which exceed the sums paid by Denault's liability insurance carrier.

WHEREFORE, Plaintiff demands judgment against Defendant for reasonable damages in excess of Fifty Thousand Dollars (\$50,000.00) together with interest thereof and her costs and disbursements incurred herein.

Dated: January 26, 2012.

MILLER, NORMAN & ASSOCIATES, LTD.

By: 

Keith L. Miller, ID No. 03959

403 Center Avenue, Suite 201

PO Box 1066

Moorhead, MN 56561-1066

218.233.9495

ATTORNEYS FOR PLAINTIFF

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

AMY HILTNER,)	Civil No. _____
)	
Plaintiff,)	
)	
vs.)	Rule 4(c) ACKNOWLEDGMENT
)	OF SERVICE
AUTO-OWNERS INSURANCE)	
Company,)	
Defendant.)	
_____)	

PLEASE TAKE NOTICE That the enclosed summons and complaint are served pursuant to Rule 4(c) of the North Dakota Rules of Civil Procedure.

You must complete the acknowledgment part of the form and return one copy of the completed form to the sender within twenty (20) days.

Signing this Acknowledgment of Receipt is only an admission that you have received the Summons and Complaint and does not waive any other defenses.

You must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return the form, you (or the party on whose behalf you are being served) must answer the complaint within 20 days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons, Complaint were mailed on January 26, 2012.

Dated: January 26, 2012,

MILLER, NORMAN & ASSOCIATES, LTD.

By: 

Keith L. Miller, ID No. 03959

403 Center Avenue, Suite 201

P.O. Box 1066

Moorhead, MN 56560-1066

(218) 233-2495

ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGMENT OF RECEIPT OF
SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and complaint in the above-captioned matter at Grand Forks, ND on February 6, 2012.


Signature

ATTORNEY
Relationship to Entity/Authority to Receive
Service of Process

2-6-12
Date of Signature